TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 4, 2002 LB 824

just as Catholic prosecutors have charged women with delivering drugs when they use narcotics while pregnant. Catholic prosecutors did that and the prosecution was thrown out. So I'm not going to accept what you say about there not being Catholic prosecutors out there who won't use this bill to hound and harass. Prosecutors do that right now anyway. And, under the language of this bill, what I described can happen. You keep saying, I don't think a prosecutor will do that; I don't think so-and-so or such and such will be the case, but what you need to do in.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...examining a statute is to look at what is allowed under the bill. This bill says that death can occur after birth, but it doesn't say how long after birth. It does not say that. What you're saying, well, a prosecutor wouldn't prosecute, you don't know that. It can be done under this bill, the harassment. The charge can be brought, a bond can be placed, the person would be in a position of having to hire a lawyer, and that will be what the prosecutor wanted, and it will also be an opportunity to gain some political points with the crackpots out there, and there are a lot of crackpots out there. This is crackpot legislation. Senator Robak, my time is up, but I appreciate the little extension that you gave me. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers and Senator Robak. Senator Schimek, there are no further lights on. Did you wish to close on your amendment?

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I brought this amendment in good faith. I don't particularly...I don't like the approach of the bill. I thought Senator Raikes' bill (sic--amendment) was the most preferable way to go on this. I am very, very much in favor of doing something to punish people who do commit these kinds of acts in which a fetus or an unborn child, if you will, is lost, but I...I really have a feeling that this amendment is not going to get adopted. I have a feeling that there is a lockstep kind of push on this bill that is going to get it over to the finish line no matter